

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LUCINDA N. BUREAU,

Plaintiff,

vs.

LINT VAN LINES, INC., a foreign
corporation, and DANIEL A. COLLIER, and
"JANE DOE" COLLIER, individually and as
husband and wife, and the marital community
composed thereof,

Defendants.

No. _____

NOTICE OF REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. §§ 1332(A) AND
1441 ET SEQ.

Defendant Lint Van Lines ("LVL") hereby provides notice of removal pursuant to 28 U.S.C § 1332(a) and (c), § 1441(a), § 1446(a), (b) and (d), and Western District LCR 101(a) and (b). The grounds for removal are as follows:

1. On August 17, 2021, Plaintiff filed a Summons and Complaint in the Superior Court of King County. The case is entitled, *Lucinda Bureau v. Lint Van Lines, Inc., et al.*, King County Superior Court Cause No. 21-2-10906-0 KNT.

2. Pursuant to 28 U.S.C. § 1446(a), copies of the Complaint and all other filings in the Superior Court are attached as Exhibit 2 to the Declaration of J.C. Miller.

NOTICE OF REMOVAL OF ACTION
PURSUANT TO 28 U.S.C. §§ 1332(A) AND
1441 ET SEQ. – 1
lq/JCM6369.081/3973344x



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1 3. On August 20, 2020, Plaintiff served Defendant Lint Van Lines, Inc. with a
2 copy of the Summons and Complaint.

3 **Complete Diversity of Citizenship**

4 4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332
5 because the parties are diverse, the amount in controversy likely exceeds \$75,000.00 and no
6 defendant is a citizen of Washington.

7 5. Complete diversity jurisdiction exists in that:

8 a. Plaintiff is a citizen of the State of Washington.

9 b. Defendant Lint Van Lines Butler is a corporation incorporated under the laws
10 of the State of Iowa and having its principal place of business in the State of
11 Iowa.
12

13 6. Plaintiff seeks damages for negligence in connection with disputed liability
14 motor vehicle accident. The Complaint seeks economic and non-economic damages. Without
15 conceding whether Plaintiff is entitled to damages, Defendant inquired as to whether Plaintiff
16 is seeking in excess of \$75,000 in damages (several times), but received no response. Further,
17 Defendant expects Plaintiff is claiming more than \$75,000 in damages in this case. *See*
18 Western District of Washington Local Civil Rule 101(a); *McGill v. Crump Life Ins. Services,*
19 *Inc.*, No. C15-0600 RSM, 2015 WL 1759231, at *2 (W.D. Wa. Apr. 17, 2015) (stating that
20 under LCR 101(a), where the plaintiff does not specify an amount of damages, court may
21 consider whether it is facially apparent from the Complaint that the minimum jurisdictional
22 requirement is more likely than not met).
23

24 7. This action is properly removed because no named defendant is a citizen of
25 Washington, the state in which Plaintiff brought the action. *See* 28 U.S.C. § 1441(b).
26

TIMELINESS OF REMOVAL

8. This Notice of Removal is timely under 28 U.S.C. § 1446(b). Defendant filed this Notice of Removal within thirty (30) days after service of the Summons and Complaint.

VENUE AND INTRA-DISTRICT ASSIGNMENT

9. Venue is proper in this District, pursuant to 28 U.S.C. § 1441(a) because the Complaint was filed and is currently pending in the Superior Court of the State of Washington, in and for the County of King.

10. The Western Division is the proper intra-district assignment for this action upon removal because it is the division that embraces the county where the state court action was pending.

CONSENT AND NOTICE

11. Defendant LVL is the only defendant who has been served.

12. LVL expressly reserves all of its defenses and rights, and none of the foregoing shall be construed as in any way conceding the truth of any of Plaintiff's allegations or waiving any of LVL's defenses.

DATED this 7th day of September, 2021.

WILSON SMITH COCHRAN DICKERSON

s/ Dylan E. Jackson

Dylan E. Jackson, WSBA No. 29220

s/ J. C. Miller

J. C. Miller WSBA No. 51932

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Of Attorneys for Defendants



CERTIFICATE OF SERVICE

The undersigned certifies that under penalty of perjury under the laws of the State of Washington that on the below date I caused to be served the foregoing document on:

Attorney for Plaintiff

Joshua D. Anderson

Thomas Klusmeyer

David Glindmeyer

Anderson Law, PLLC

8520 182nd Avenue East

Bonney Lake, WA 98391

() Via U.S. Mail

() Via Facsimile: 253-862-3770

() Via Hand Delivery

(X) Via Email/King County E-Service:

Josh@JDAndersonLaw.com;

l.mertens@jdandersonlaw.com;

Tom@jdandersonlaw.com;

D.Glindmeyer@JDAndersonLaw.com

SIGNED this 7th day of September, 2021, at Seattle, Washington.

/s/ Liz Quade

Liz Quade

